

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE)
COMPANY, JOHN HANCOCK)
VARIABLE LIFE INSURANCE)
COMPANY, and MANULIFE)
INSURANCE COMPANY (f/k/a)
INVESTORS PARTNER LIFE)
INSURANCE COMPANY),)

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

Civil Action No. 05-11150-DPW

**ABBOTT LABORATORIES' MOTION TO STRIKE THE PRAYER FOR RESCISSION
IN THE FIRST AMENDED SUPPLEMENTAL COMPLAINT**

Defendant Abbott Laboratories ("Abbott") hereby moves, pursuant to Fed. R. Civ. P. 12(f), for an order striking the prayer for rescission from the First Amended Supplemental Complaint filed by Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Life Insurance).

In support of this Motion, Abbott relies upon the accompanying (a) Memorandum of Abbott Laboratories in Support of the Motion to Strike the Prayer for Rescission in the First Amended Supplemental Complaint, and (b) the Request for Judicial Notice, both of which are being filed contemporaneously herewith.

WHEREFORE, Abbott respectfully requests that this Court grant Abbott's Motion to Strike the Prayer for Rescission in the First Amended Supplemental Complaint, and grant such further relief as this Court deems just and appropriate.

REQUEST FOR ORAL ARGUMENT

Abbott respectfully requests the Court set a date for a hearing on Abbott's Motion to Strike the Prayer for Rescission in the First Amended Supplemental Complaint.

Dated: January 12, 2007

Respectfully submitted,

ABBOTT LABORATORIES

By: /s/ Michael S. D'Orsi
Michael S. D'Orsi

One of its attorneys

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Counsel for Abbott Laboratories

LOCAL RULE 7.1 AND 37.1 CERTIFICATION

The undersigned hereby certifies that counsel for Abbott Laboratories has conferred with counsel for Plaintiffs in a good faith effort to resolve or narrow the issues in this Motion.

/s/ Michael S. D'Orsi

Michael S. D'Orsi

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 12, 2007.

Date: January 12, 2007.

/s/ Michael S. D'Orsi

Michael S. D'Orsi